

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
No. 5:17-CV-67-GCM

FILED
CHARLOTTE, NC

DEC - 6 2017

TONY C. WALLACE, JR.,)	US District Court
Plaintiff,)	Western District of NC
)	
vs.)	
)	CONSENT ORDER
NANCY A. BERRYHILL,)	
Acting Commissioner of Social)	
Security)	
Defendant)	

Pursuant to the power of this Court to award attorney fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412, and in light of this Court's judgment and order dated October 18, 2017, remanding this case to the Agency for further proceedings, and further that plaintiff, in the attached fee agreement, has assigned any attorney fee owed to be under the EAJA to her attorney and authorized plaintiff's attorney to endorse any government check for attorney fees paid to plaintiff under EAJA,

IT IS THEREFORE ORDERED that the United States Social Security Administration agrees to pay attorney fees in the amount of \$5,369.00, in full satisfaction of any and all attorney fee claims Plaintiff may have in this case under the Equal Access to Justice Act.

Further, pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), these attorney fees are payable to plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt plaintiff may owe to the United States government. If, after the entry of this Order, the

Commissioner determines that plaintiff owes no debt to the United States that would subject this award of attorney fees to offset, the Commissioner may honor the plaintiff's assignment of EAJA fees providing for payment of the subject fees to plaintiff's counsel, rather than to plaintiff. If, however, the Commissioner discovers that plaintiff owes the United States any debt subject to offset, the Commissioner will pay any attorney fees remaining after such offset to plaintiff, rather than to counsel.

Graham C. Thrasher

United States District Judge

This the 6th day of December 2017

Consented to:

/s/ Vaughn S. Clauson

Vaughn S. Clauson
Attorney for Plaintiff

/s/ Marc D. Epstein

Marc D. Epstein
Special Assistant United States Attorney
Attorney For Defendant